

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

GORDON C. REID :  
v. : C.A. No. 06-44S  
WARREN F. DOWALIBY, :  
Superintendent, Strafford County :  
Department of Corrections, et al.s. :  
:

**REPORT AND RECOMMENDATION**

Lincoln D. Almond, United States Magistrate Judge

Plaintiff, Gordon C. Reid filed his Complaint on May 12, 2006. Before the Court are Defendant Warren Dowaliby's Motion to Dismiss (Document No. 23) and Defendant Steven Monier's Motion to Dismiss (Document No. 24), which have been referred to this Court for preliminary review, findings and recommended disposition. 28 U.S.C. § 636(b)(1)(B); LR Cv 72(a). These Motions were directed at Plaintiff's original Complaint. Before any action was taken on these two Motions, Plaintiff filed a Motion to Amend, which this Court granted. See Stein v. Royal Bank of Canada, 239 F.3d 389, 392 (1<sup>st</sup> Cir. 2001) (plaintiff is free to amend once as a matter of course prior to the entry of judgment on a pending motion to dismiss). As a result of the Amended Complaint, the Motions to Dismiss directed at the original Complaint are rendered moot. Thus, I recommend that the Motions (Documents No. 23 and 24) be DENIED, without prejudice.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10) days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-

Copete, 792 F.2d 4, 6 (1<sup>st</sup> Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1<sup>st</sup> Cir. 1980).

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
September 15, 2006